

article of the constitution. With regard to the amendment just adopted upon the motion of the gentleman from Frederick, I should consider it altogether unnecessary for this reason: that at this time the expenses incurred in paying the orphans' court is borne by the counties and the city of Baltimore. It is not paid out of the State treasury. It has always been paid by the counties. I think that ought to be the case. But I do not think there should be paid in the different counties different compensations to the judges. In some counties there is allowed a compensation of two dollars and in others of three dollars per day. But there is another case that deserves attention. When the business would require an attendance of but a single day in the week, the judge may attend every day and charge a regular per diem until he leaves the bench. In such a case, I think the people ought to have power to turn out the judge—a power they should never wrongfully exercise.

Mr. SPENCER raised a question of order as to the reception of the amendment.

The PRESIDENT ruled the amendment in order.

Mr. JOHN DENNIS inquired what had become of his amendment?

The PRESIDENT stated that the amendment was not in order at the time it was read, and could not be received without a direct motion, when it would be in order.

Mr. JOHN DENNIS. I fear it will be impossible for me, in this corner of the hall, to know when it will be in order.

Mr. RICAUD demanded the yeas and nays, which were ordered, and being taken, resulted—ayes 36, noes 41—as follows:

Affirmative—Messrs. Morgan, Hopewell, Sellman, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Johnson, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Harbine, Brewer, Weber, Holliday, Slicer, Fitzpatrick, Parke, Shower and Brown—36.

Negative—Messrs. Chapman, President, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Weems, Dalrymple, Merrick, Jenifer, Howard, Buchanan, Bell, Chandler, John Dennis, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Thomas, Annan, Thawley, Schley, John Newcomer, Michael Newcomer, Davis, Waters, Anderson and Smith—41.

So the amendment was rejected.

The question again recurred upon the adoption of the substitute, as offered by Mr. Michael Newcomer, as amended.

Mr. JOHN DENNIS offered as a substitute for the substitute the following:

"There shall be one judge in each county and in the city of Baltimore, whose term in office shall continue for four years, with a compensation to be regulated by law, to be elected by a plurality of the qualified voters of the county and the city of Baltimore respectively, and who

shall be styled judge of the orphans' court, and shall have, hold and exercise all and every the powers, authorities and jurisdiction which the orphans' courts of this State now have, hold and exercise, or which hereafter may be conferred by law, and the said judges shall be paid by the said counties and city respectively."

Mr. SHRIVER suggested that "per diem" should be inserted instead of "compensation."

Mr. J. DENNIS. If I should attempt to satisfy every body, it would be attempting to pile Pelion upon Ossa. I have already modified it in several points. When the subject comes before the Legislature they can make the compensation a per diem.

Mr. DASHIELL demanded the yeas and nays; which were ordered; and being taken, resulted ayes 23, noes 50, as follows:

Affirmative—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Sellman, John Dennis, Crisfield, Dashiell, Hodson, Eccleston, Phelps, Spencer, McMaster, Jacobs, Magraw, Gwinn, Brent, of Baltimore city, Holliday, Smith, and Parke—23.

Negative—Messrs. Lee, Wells, Randall, Kent, Weems, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Grason, George, Wright, Dirickson, Hearn, Fooks, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Schley, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Anderson, Weber, Slicer, Fitzpatrick, and Brown—50.

So the substitute was rejected.

The question again recurred upon the adoption of the substitute as offered by Mr. Michael Newcomer and amended.

Mr. BROWN moved to amend the substitute by adding at the end thereof the following:

"And the Legislature shall fix by law the number of meetings of said courts to be held in each year in the city of Baltimore, and the several counties of this State, respectively, and the time when said meetings shall be held."

Mr. B. said: I am perfectly satisfied that with a per diem allowance there can be no abuse, if the time and number of the meetings are fixed by law. If the judge to be elected for the orphans' court receives \$2 per day, he may, unless some regulation is made, hold the court for three hundred days in the year, and thus receive a salary of \$600, which is three times as much as the orphans' court costs in Carroll county under the present system. I have never yet heard, except from gentlemen of the bar, or immediately around the court-house, any objections to the present system, until I heard them in this body. We have changed that system, and by the new system we put a heavy cost upon the people unless the meetings are limited by law. He will meet perhaps to-day at 11 o'clock, and if no one calls within an hour, he will go for that day, and come again to-morrow. I think this amendment is absolutely necessary,